

APPENDIX A

Appendix A:
End-Payor/Indirect Purchaser Generic Suppression Cases

First Circuit	
<i>In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.</i> , No. 14-md-02503 (D. Mass.)	Class certification granted for class of end-payors who brought claims under the antitrust and consumer protection laws of 37 states, the District of Columbia and Puerto Rico, alleging overcharges resulting from delayed entry of generic alternatives to branded drug Solodyn. <i>See In re Solodyn (Minocycline Hydrochloride) Antitrust Litig.</i> , No. 14-md-02503, 2017 WL 4621777 (D. Mass. Oct. 16, 2017). Settlement Amount: \$43 million (<i>see Memorandum of Law in Support of End-Payor Class Plaintiffs' Unopposed Motion for Final Approval of Class Action Settlements with Medicis Pharmaceutical Corp. and Impax Laboratories, Inc.</i> (<i>Solodyn</i> ECF No. 1165 at 1-2)).
<i>In re Relafen Antitrust Litig.</i> , No. 01-12239-WGY (D. Mass.)	Class certification granted for a combined nationwide settlement class of consumers and third-party payors (“TPP”). <i>See In re Relafen Antitrust Litig.</i> , 231 F.R.D. 52, 58-59 (D. Mass. 2005). Settlement Amount: \$75 million (<i>see id.</i> at 64).
Second Circuit	
<i>In re Aggrenox Antitrust Litig.</i> , No. 3:14-MD-2516 (SRU) (D. Conn.)	Settlement class of end-payors in 29 states, the District of Columbia and Puerto Rico alleging overcharges resulting from the delayed entry of less expensive generic versions of the pharmaceutical drug Aggrenox certified. <i>See Order Granting Final Judgment and Order of Dismissal Approving Indirect Purchaser Class Settlement and Dismissing Indirect Purchaser Class Claims Against Boehringer and Teva</i> (ECF No. 821) in <i>In re Aggrenox Antitrust Litig.</i> , No. 3:14-MD-2516 (SRU) (D. Conn.). Settlement Amount: \$54 million (<i>see id.</i> , ¶8).
Third Circuit	
<i>In re Warfarin Sodium Antitrust Litig.</i> , No. MDL 98-1232-SLR (D. Del.)	Nationwide class seeking injunctive relief and damages and consisting of end-payor consumers and TPPs that purchased Coumadin certified. <i>See In re Warfarin Sodium Antitrust Litig.</i> , 212 F.R.D. 231, 264 (D. Del. 2002), <i>aff'd</i> , 391 F.3d 516 (3d Cir. 2004). Settlement Amount: \$44.5 million (<i>see id.</i> at 243).

Appendix A:
End-Payor/Indirect Purchaser Generic Suppression Cases

<p><i>In re Metoprolol Succinate End-Payor Antitrust Litig.</i>, No. 1:06-cv-0007-GMS-MPT (D. Del.)</p>	<p>Nationwide class seeking injunctive relief and damages and consisting of end-payor consumers and TPPs that purchased Toprol XL or its generic equivalent; was certified for settlement purposes; and final approval of the settlement on behalf of the settlement class granted. <i>See Order and Final Judgment Approving Settlement, Awarding Attorneys' Fees and Expenses, Awarding Representative Plaintiffs' Incentive Awards, Approving Plan of Allocation, and Ordering Dismissal as to All Defendants</i> (ECF No. 342) in <i>In re Metoprolol Succinate End-Payor Antitrust Litig.</i>, No. 1:06-cv-00071-GMS-MPT (D. Del.).</p> <p>Settlement Amount: \$11 million (<i>see Brief in Support of Motion for Final Approval of Proposed Settlement (Metoprolol</i> ECF No. 335 at 23)).</p>
<p><i>Nichols v. SmithKline Beecham Corp.</i>, No. Civ.A.00-6222 (E.D. Pa.)</p>	<p>Nationwide class seeking injunctive relief and damages and consisting of end-payor consumers and TPPs that purchased Paxil and/or its generic alternative; class certified. <i>See Nichols v. Smithkline Beecham Corp.</i>, No. Civ.A.00-6222, 2005 WL 950616, at *7 (E.D. Pa. Apr. 22, 2005).</p> <p>Settlement Amount: \$65 million (<i>see id.</i> at *8).</p>
<p><i>In re Remeron End-Payor Antitrust Litig.</i>, Nos. Civ. 02- 2007 FSH, Civ. 04-5126 FSH (D.N.J.)</p>	<p>Nationwide class seeking injunctive relief and damages and consisting of end-payor consumers and TPPs that purchased Mirtazapine products; class certified. <i>See In re Remeron End-Payor Antitrust Litig.</i>, Nos. Civ. 02- 2007 FSH, Civ. 04-5126 FSH 2005 WL 2230314, at *7, *12 (D.N.J. Sep. 13, 2005).</p> <p>Settlement Amount: \$36 million (<i>see id.</i> at *5).</p>
<p><i>In re TriCor Indirect Purchaser Antitrust Litig.</i>, No. 1:05-cv-00360 (D. Del.)</p>	<p>Class certification granted for nationwide settlement class of all consumer and TPP end-payors that purchased TriCor; settlement approved. <i>See Order and Final Judgment Approving Settlement, Awarding Attorneys' Fees and Expenses, Awarding Representative Plaintiff Incentive Awards, Approving Plan of Allocation, and Ordering Dismissal as to All Defendants</i> (ECF No. 545) in <i>In re TriCor Indirect Purchaser Antitrust Litig.</i>, No. 1:05-cv-00360 (D. Del.).</p> <p>Settlement Amount: \$65.7 million (<i>see Indirect Purchaser Class Plaintiffs' Brief in Support of Motion for Final Settlement Approval (TriCor</i> ECF No. 525 at 1)).</p>

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End-Payor/Indirect Purchaser Generic Suppression Cases

<i>In re Wellbutrin XL Antitrust Litig.</i> , No. 2:08-cv-2433-GAM (E.D. Pa.)	<p>Class certification granted for class including certain TPPs and consumers of Wellbutrin XL for antitrust and consumer protection claims in six states. <i>See In re Wellbutrin XL Antitrust Litig.</i>, 282 F.R.D. 126 (E.D. Pa. 2011) (California, Florida, Nevada, New York, Tennessee, and Wisconsin). Settlement on behalf of certified class approved July 22, 2013. <i>See Final Order and Judgment Approving Settlement and Awarding Incentive Payments, Fees, and Reimbursement of Expenses</i> (ECF No. 473) in <i>In re Wellbutrin XL Antitrust Litig.</i>, No. 2:08-cv-2433-GAM (E.D. Pa.).</p> <p>Settlement Amount: \$11.75 million (<i>see Wellbutrin</i> ECF No. 473, ¶2).</p>
Fourth Circuit	
<i>Vista Healthplan, Inc. v. Warner Holdings Company III, Ltd.</i> , No. 05-cv-2327-CKK (D.D.C.)	<p>Nationwide settlement class seeking damages and consisting of TPPs that purchased Ovcon Mirtazapine Products was certified. <i>See Vista Healthplan, Inc. v. Warner Holdings Company III, Ltd.</i>, 246 F.R.D. 349, 357 (D.D.C. 2007).</p> <p>Settlement Amount: \$3 million in donated hormonal contraceptive product plus \$1.1 million attorney's fees and costs and \$100,000 notice expenses (<i>see id.</i> at 355).</p>
<i>In re Children's Ibuprofen Oral Suspension Antitrust Litig.</i> , No. 1:04-mc-00535 (D.D.C.)	<p>Certification of settlement class consisting of consumers and TPPs that purchased certain kinds of ibuprofen in 23 states and the District of Columbia was granted. <i>See Order Certifying Class in Light of Settlement and Preliminarily Approving Proposed Settlement Between Indirect Purchaser Class Plaintiff and Defendants Perrigo Company and Alpharma Inc.</i> (ECF No. 30) in <i>In re Children's Ibuprofen Oral Suspension Antitrust Litig.</i>, No. 1:04-mc-00535 (D.D.C.) (Arizona, California, Florida, Hawaii, Iowa, Kansas, Kentucky, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nevada, New Jersey, New Mexico, New York, North Carolina, North Dakota, South Dakota, Tennessee, Vermont, West Virginia, Wisconsin, and D.C.); <i>see also Order and Final Judgment as to Defendants Approving Settlement Between Indirect Purchaser Class and Defendants</i> (<i>Children's</i> ECF No. 33) (final settlement approval).</p> <p>Settlement Amount: \$3 million in donated generic drug products (<i>Children's</i> ECF No. 33, ¶¶7, 15).</p>

Appendix A:
End-Payor/Indirect Purchaser Generic Suppression Cases

Sixth Circuit	
<i>Ferrell v. Wyeth-Ayerst Labs., Inc.</i> , No. 1:01-cv-00447 (S.D. Ohio)	<p>Class certified of those members that paid for or reimbursed for all or part of the cost of a member's Premarin prescription in 18 states, pursuing state antitrust, consumer protection, and unjust enrichment claims; those states with consumer protection statutes as opposed to antitrust statutes were certified as a subclass. <i>See Order</i> (ECF No. 100) in <i>Ferrell v. Wyeth-Ayerst Labs., Inc.</i> ("Premarin"), No. 1:01-cv-00447 (S.D. Ohio) (Arizona, Florida, Iowa, Kansas, Maine, Massachusetts, Michigan, Minnesota, Mississippi, Nevada, New Mexico, North Carolina, North Dakota, South Dakota, Tennessee, Vermont, West Virginia and Wisconsin). Settlement on behalf of Certified Class approved June 19, 2007. <i>See Ferrell v. Wyeth-Ayerst, Labs. Inc.</i>, No. C-1-01-00447, 2007 U.S. Dist. LEXIS 44391, at *6 (S.D. Ohio June 19, 2007).</p> <p>Settlement Amount: \$1.3 million (<i>see Plaintiffs' Memorandum in Support of Motion for Preliminary Approval of Proposed Settlement and Approval of Notice Program</i> (<i>Ferrell</i> ECF No. 177-1 at 1-2)).</p>
<i>In re Skelaxin (Metaxalone) Antitrust Litig.</i> , No. 1:12-md-2343 (E.D. Tenn.)	<p>Twenty-nine state class of end-payors certified for settlement purposes; final approval of a settlement on behalf the settlement class granted on December 22, 2015. <i>See Final Approval Order and Final Judgment of Dismissal with Prejudice as to Defendant Mutual Pharmaceutical Company, Inc.</i> (ECF No. 950) in <i>In re Skelaxin (Metaxalone) Antitrust Litig.</i>, No. 1:12-md-2343 (E.D. Tenn.).</p> <p>Settlement Amount: \$9 million (<i>see id.</i> at 7).</p>

Appendix A:
End-Payor/Indirect Purchaser Generic Suppression Cases

Ninth Circuit	
<i>In re Abbott Labs. Norvir Antitrust Litig.</i> , No. 4:04-cv-1511-CW (N.D. Cal.)	<p>Nationwide settlement class of all consumer and TPP end-payors that purchased Norvir certified. <i>See Order Granting Motion for Preliminary Approval of Class Action Settlement</i> (ECF No. 612); <i>see also Order Granting Final Approval of Settlement</i> (ECF No. 654) in <i>In re Abbott Labs. Norvir Antitrust Litig.</i>, No. C 04-1511 (N.D. Cal.).</p> <p>Settlement Amount: Over \$10 million (<i>see Joint Notice of Motion, Motion and Memorandum of Points and Authorities in Support of Motion for Final Approval of Class Action Settlement</i> (<i>Abbott Labs</i> ECF No. 646 at 8-9); <i>see also Application for Order Approving Final Accounting; Terminating Settlement Administration; and Discharging Lead Counsel, Lead Plaintiffs and the Claims Administrator from Further Duties in Connection Therewith</i> (<i>Abbott Labs</i>. ECF No. 663 at 1); <i>see also Order Regarding Application for Order Approving Final Accounting; Terminating Settlement Administration; and Discharging Lead Counsel, Lead Plaintiffs and the Claims Administrator from Further Duties in Connection Therewith</i> (<i>Abbott Labs</i>. ECF No. 665 at 1)).</p>
<i>In re Lidoderm Antitrust Litig.</i> , No. 14-md-02521-WHO (N.D. Cal.)	<p>Certified class of end-payors who purchased or provided reimbursement for purchases of branded or generic Lidoderm under laws of 17 states. <i>See In re Lidoderm Antitrust Litig.</i>, No. 14-md-02521-WHO, 2017 WL 679367, at *27 (N.D. Cal. Feb. 21, 2017).</p> <p>Settlement Amount: \$104.75 million (<i>see Final Judgment and Order</i> (<i>Lidoderm</i> ECF No. 1056)).</p>